

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAROL ELIFRITS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. C 08-00087 CW

ORDER REGARDING
BRIEFING SCHEDULE ON
DEFENDANT'S MOTION
TO DISMISS

On January 7, 2008, Plaintiff, proceeding in pro se, filed a form complaint for judicial review of a decision of the Commissioner of Social Security. The only words Plaintiff wrote on the complaint are, "Fees denied by appeals on 2-1-07." On April 29, 2008, Defendant filed a motion to dismiss based on lack of subject matter jurisdiction because "Plaintiff seeks review of an administrative determination that was not an initial reviewable determination." Plaintiff has not yet filed an opposition.

The Court hereby issues the following briefing schedule. Plaintiff shall file an opposition to the motion to dismiss within two weeks from the date of this order. Defendant shall file a reply one week thereafter. The motion shall then be submitted and decided on the papers.

If Plaintiff fails to file an opposition to the motion within

1 the specified time, her complaint shall be dismissed for failure to
2 prosecute.

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5 IT IS SO ORDERED.

Claudia Wilken

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7 Dated: 9/5/08

8 CLAUDIA WILKEN
9 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CAROL ELIFRITS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY et al,

Defendant.

Case Number: CV08-00087 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carol Elifrits
2207 Arbor Avenue, #325
Hayward, CA 94541

Theophous H Reagans
Social Security Administration
333 Market Street
Suite 1500
San Francisco, CA 94105

Dated: September 5, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk